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500.41144X00

UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant(s): YAMAZAKI et al.
Serial No.: 10/066,541
Filed: February 6, 2002
For: SEMICONDUCTOR DEVICE
Group: 2815
Examiner: E. Lee

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RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Assistant Commissioner
for Patents
Washington, D.C. 20231

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February 28, 2003

Sir:

GROUP 3600

In response to the election of species requirement dated January 28, 2003, applicants hereby elect Species IV, directed to the Fig. 4 embodiment, noting that claims 1, 2, 3, 5, 9, 10 and 11 read on the elected species. Applicants, however, traverse the election requirement for the reasons set forth below and respectfully request reconsideration and restructuring of the requirement for the reasons which follow.

At present, the election of species requirement identifies eight separate species and requires election between these eight species. It is respectfully requested that the election be restructured into two general groups, that is, those species (such as Figs. 1, 2, 4 and 7-9) which pertain to a case electrode such as identified by the numeral 5 and a second group, such as shown in Figs. 3, 5 and 6, which use a multi-layered case electrode. With regard to this, it is respectfully submitted that restructuring the election requirement into these two groups will avoid

unnecessary duplication of effort by both the USPTO and the applicants in terms of prosecuting eight separate species applications (unless, of course, generic claim 1 is found to be allowable). More specifically, it is respectfully submitted that the examination of Figs. 1, 2, 4 and 7-9 will, to a large extent, be similar, whereas the search of Figs. 3, 5 and 6 will, to a large extent, be similar. As set forth in MPEP 803:

"if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."


It is respectfully submitted that, in the present situation, the search and examination of the species of Figs. 1, 2, 4 and 7-9 can, in fact, be made together without serious burden, and the search and prosecution of Figs. 3, 5 and 6 can also be handled without serious burden. Therefore, reconsideration of the structuring of the election requirement, and restructuring the election requirement to define two separate groups of species, rather than eight species, is respectfully requested.

If the Examiner believes that there are any other points which may be clarified or otherwise disposed of, either by telephone discussion or by personal interview, the Examiner is invited to contact applicants' undersigned attorney at the number indicated below.

It is respectfully requested that any shortage in the fee be charged to the account of Antonelli, Terry, Stout & Kraus, LLP, Account No. 01-2135 (Case No. 500.41144X00).

Respectfully submitted,
ANTONELLI, TERRY, STOUT & KRAUS, LLP

By


Gregory E. Montone

Registration No. 28,141

GEM/kd
703/312-6600